

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**MICHAEL LEE GORDON,**

Defendant.

**Case No. 2:97-CR-167-6**

**Judge Graham**

**OPINION AND ORDER**

Before the Court is Defendant Michael Lee Gordon’s motion for temporary restraining order and permanent injunction, Doc. 775. The government previously represented that it would recommend to the Bureau of Prisons that Gordon be transferred from the Iowa State Penitentiary (“ISP”) to a lower security prison.<sup>1</sup> Doc. 697 at 6-7. Gordon moves for Court intervention out of concern for his safety. He explains that the ISP desires to place him in general population, where he will be in danger of “harm, injury and/or death.” Doc. 775 at 2. He asks that the Court issue a temporary restraining order requiring the ISP to hold him in a single-man cell until the government completes its recommendation. *Id.* He also asks for a permanent injunction ordering “the government to immediately complete the proper paperwork for its recommendation that Defendant be returned back to the [BOP].” *Id.*

The government filed a response, in which it asserts that “the government has now submitted a letter recommending that, consistent with BOP’s internal guidelines and policies, the Defendant be moved to an FCI facility (such as FCI Beckley or FCI Gilmer), or a facility with the lowest security level for which his circumstances and history allow.” Doc. 780 at 1-2.

As the government has already provided the remedy which Gordon seeks, his motion for temporary restraining order and permanent injunction, Doc. 775, is **DENIED AS MOOT**. To the extent Gordon requests the Court order the ISP to continue his solitary confinement, the request is

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<sup>1</sup> The BOP transferred Gordon to the ISP for his safety.

**DENIED.** The Court defers to the ISP, which has the relevant information and a history of appropriately responding to Gordon's safety concerns, to determine his appropriate housing situation.

IT IS SO ORDERED.

s/ James L. Graham  
JAMES L. GRAHAM  
United States District Judge

DATE: August 10, 2023